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SUMMARY RECORD OF THE 65th MEETING

Chairman: Mr. TEIRLINCK (Belgium)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 163: FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994 (A/C.5/49/68)

1. Mr. TAKASU (Controller) said that the report of the Secretary-General in document A/C.5/49/68 described the arrangements made in preparations for the establishment of the International Tribunal for Rwanda. The Security Council had decided to establish the seat of the Tribunal at Arusha, United Republic of Tanzania, and a host country agreement with the Government of that country was about to be finalized. A Deputy Prosecutor had been appointed several months earlier, and he was actively conducting investigations.

2. The next stage of the operation would begin with the opening of the Trial Chambers and Registry at Arusha. The Office of the Prosecutor would be established at Kigali, with a temporary office at The Hague. The cost estimates for the biennium 1994-1995 were $17.2 million, which included the $2.9 million already committed by the General Assembly for the initial requirements.

3. The Secretary-General had made it clear that "un-funded" programmes were causing financial strains for the Secretariat. To enter into a commitment without long-term financing would make the operation of the International Tribunal difficult. The financial requirements up to the end of October 1995 were estimated at $14.5 million. He expressed the hope that the Secretary-General would be authorized to recruit the necessary staff, including investigators, for a twelve-month period, as it would be difficult to recruit qualified staff on a global, competitive basis for a shorter period. Similarly, the Secretary-General should be authorized to enter into a contract for a long-term lease on the office space required. He also hoped that authorization would be given to begin the process of bidding with contractors for the conversion of the space in the Arusha International Centre into offices and Chambers.

4. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had received the report of the Secretary-General on the financing of the Tribunal at the end of the day on Friday, 30 June, and, in view of the serious time constraints, had conducted only a preliminary review of the estimates so as to make recommendations on the most immediate requirements pending a detailed review at the fiftieth session of the General Assembly.

5. The preliminary review had revealed a number of elements which remained to be finalized, including the signing of a headquarters agreement with the Government of the United Republic of Tanzania and the conclusion of a lease agreement for office space at Arusha. Moreover, the United Nations would have to reconfigure the conference and office space to be rented; the bidding process

had not yet begun, nor had bidding begun for construction requirements for the detention facility.

6. The Advisory Committee understood that priority was being given to the various investigations under way. Much of what followed, including court proceedings, would depend on the pace of the investigations. In view of the fact that two months' notice was required before court proceedings could commence, the Advisory Committee considered an October starting date to be optimistic.

7. In the circumstances, the Advisory Committee recommended that detailed consideration of the report of the Secretary-General in document A/C.5/49/68 should be deferred until the fiftieth session of the General Assembly. The information it contained should be updated on all pending issues and detailed information should be provided on the receipt and projected use of voluntary contributions, including personnel. In the meantime, the Advisory Committee recommended approval of a commitment authority in an amount not exceeding $10 million for the period through 31 October 1995, subject to the decision of the General Assembly on the mode of financing of the expenses of the Tribunal, and inclusive of the amount of $2,914,900 already authorized by the Committee in its letter of 27 February 1995 for the initial start-up costs of the Tribunal.

8. The Advisory Committee understood that the post of Registrar of the Tribunal remained vacant; it trusted that the appointment of a Registrar would be expedited and that the necessary preparatory work would proceed pending the detailed consideration of requirements at the fiftieth session. The Advisory Committee recalled that the Registrar of the International Tribunal was delegated authority to appoint staff in the name of the Secretary-General up to the D-1 level, and trusted that parallel delegation for personnel and budgetary matters would be made for the International Criminal Tribunal.

9. Mr. MUÑOZ (Spain), speaking on behalf of the European Union, said that the Secretariat had been able to prepare the report on the financing of the International Tribunal for Rwanda in a very short period of time, and the members of the Committee must, in turn, approve the financing method without delay. The precarious cash-flow situation must be taken into account, in addition to the Secretary-General's statement that spending would have to be reduced for activities for which no assessments had been approved, unless the receipt of unpaid assessments improved dramatically. It was the sincere hope of the European Union that the Committee would be able to approve the budget and decide on the method of financing by an early date in the fiftieth session of the General Assembly.

10. Ms. PEÑA (Mexico) said that the comments of her delegation regarding the International Criminal Tribunal for the former Yugoslavia applied to the International Tribunal for Rwanda as well, because of the similarity between the two in purpose and procedures. In order to ensure the smooth operation of the Tribunal, a special account should be established separate from the regular budget, and contributions should be pro-rated according to the scale of assessments for activities undertaken under Chapter VII of the Charter of the United Nations.

11. In the light of the information contained in documents S/1995/533 and S/1995/457, concerning the number of suspects and detainees, financial arrangements commensurate with the magnitude of the requirements must be made as soon as possible.

12. Ms. SHENWICK (United States of America) said that her delegation was in a position to proceed immediately to a decision on the mode of financing on the basis of the ACABQ report.

The meeting rose at 3.45 p.m.